

# Policy # 4.16 Parental Leave of Absence

Origination date: 01/01/2023

Applicability: Academic Professionals, Administrators, Classified Staff, Faculty, and Service Professionals

## Purpose

The purpose of this policy is to support employees with approved time away from work (paid or unpaid) for birth, adoption or placement of a child (foster care or legal guardianship).

## Eligibility

The policy provides regular employees either paid or unpaid time for the birth, adoption or placement of a child (foster care or legal guardianship).

- **Paid time off:** A regular employee with one year of service and who has worked at least 1250 hours in in the last twelve months will be eligible for paid time off.
- **Unpaid time off:** A regular employees who have worked less than one year and/or as worked less than 1250 hours in the last 12 months will be eligible for unpaid time off.

## Qualifying Reasons

An eligible employee may request a Parental Leave of Absence for birth, adoption or placement of a child (foster care or legal guardianship). Benefits are also provided in the case of miscarriage or stillbirth. Unauthorized or fraudulent use of this benefit for other reasons may result in disciplinary action up to and including termination.

## Duration

An eligible employee may request up to twelve work weeks of Parental Leave of Absence for birth, adoption or placement (foster care or legal guardianship) of a child. In the event of a stillbirth an eligible employee may request up to 12 weeks of paid Parental Leave in place of bereavement leave. An eligible employee will be able to request up to two work weeks in the case of a miscarriage.

- If both parents work for NAU, both parents are eligible to request up to 12-weeks of Parental Leave each.
- An employee may be approved for, and begin taking, Parental Leave up to two weeks before the anticipated eligible event. Starting Parental Leave before the eligible event does not extend the Parental Leave period.
- Parental Leave is available once in a 12-month period which begins on the eligible event date.
- Parental Leave can only be use one for the same child. For Placement of a Child (Foster Care or Legal guardianship) Parental Leave is only available for the period the child is placed with the employee.
- Eligibility for a Parental Leave shall expire at the end of a 12-month period beginning on the date of approved Parental Leave.
- Parental Leave of Absence must be taken as a continuous block of leave unless the supervisor agrees to allow intermittent or reduced schedule leave based on business need.
- Parental leave runs concurrently with Family and Medical Leave (FMLA), and does not extend the FMLA leave period.

## Pay Status

**Paid Parental Leave:** An employee eligible for paid Parental Leave, is required to report all time away from work following Human Resources procedures to stay in a paid status.

**Unpaid Parental Leave:** An employee eligible for unpaid Parental Leave, is required to report all time away from work following Human Resources Department procedures. The university requires the employee to use any accrued paid time off including sick and/or vacation time.

- Use of paid time off will occur in the order of all available sick time and then vacation time. Non-exempt employees may also use accumulated compensatory time balances after sick and vacation time are depleted.
- An employee will remain in a paid status until all accrued paid time off balances are depleted. They will be placed on an unpaid status when all accrued paid time off balances are depleted.

## Employee Responsibilities

Requests for Parental Leave must be submitted following Human Resources Department procedures and made at least thirty days in advance of the need for leave. In addition, employees should notify their department that they will be requesting Parental Leave. Failure to follow procedures or timelines may result in the denial or delay of Parental Leave of Absence and paid time off if eligible.

Employees who have requested a Parental Leave of Absence must provide Human Resources and their department up to date contact information (e-mail, phone and home address) for the duration of their leave of absence. In addition, they must respond to inquiries from Human Resources and their department in a timely manner.

It is the employee's responsibility to notify Human Resources and their supervisor of the intent to return to work at least two weeks prior to reporting back to work to facilitate planning and completion of paperwork. If an employee does not return to work on the expected return date, any additional time away may be considered an unauthorized absence.

## Effect on Benefits

**Voluntary Benefits:** The university will continue to pay the employer's portion of voluntary benefits premiums including medical and dental insurances for the duration of the Parental Leave of Absence whether the employee is in a paid or unpaid status.

- While in a paid status, premiums will continue to be collected through payroll deductions.
- If the employee is in an unpaid status, premiums will be collected through personal payments. However, if the employee's portion of the premium payment is more than 30 days late, the university may discontinue coverage.

**Leave Accruals:** Vacation and sick hours will accrue while an employee is on a paid status.

**Retirement:** No refund of any retirement contribution is made upon the commencement of the leave, since the return of the employee is anticipated. Service credits do not accrue during any period of unpaid leave, but will commence upon the employee's return to work.

**Other Benefits:** The educational aid benefit remains in effect for employees during the leave period as does the use of university facilities.

**Continuous Service:** Computation of service dates for continuous service, vacation accrual rates, seniority, and general pay adjustments will include this leave as creditable service providing the employee returns to work on the first workday following the termination of the authorized leave.

## Return to Work

The granting of Parental Leave of Absence will in most circumstances be followed by the employee's return to their former or essentially equal position. The practical effect of this is that the department head should hold the employee's regular position anticipating the employee's return from Parental Leave of Absence. However, the department head can hire a temporary replacement for the duration of the leave.

If the leave is based on the employee's inability to work due to pregnancy, the employee is responsible for providing adequate documentation to support a return to work.

Employees with disabilities are encouraged to consult with the Disability Resources Office regarding possible reasonable accommodation which may provide additional leave options and/or assist them to return to work.

## Failure to Return or Accept Employment

An employee who fails to return to work at their full schedule for at least 30 calendar days agrees to reimburse the University for the salary and benefits paid on your behalf during the Parental Leave period.

An employee will be considered to have voluntarily terminated employment if they:

- fail to return to work upon the expiration of the approved Parental Leave of Absence or any extension thereof; or
- fail to contact their department head at least two weeks prior to the end of the Parental Leave of Absence to request an extension (if applicable); or
- advise the university of their intention not to return to work; or
- refuse comparable reemployment.

An employee who voluntarily terminates at the end of the Parental Leave of Absence for reasons listed above will be required to reimburse the University for the salary and benefits paid on their behalf during the paid Parental Leave period.

The university may excuse reimbursement where the failure to return is due to the continuation, recurrence, or onset of a serious health condition of the employee or the child which would otherwise entitle you to leave under the Family Leave policy; or other circumstances beyond your control.

## Retaliation or Interference

NAU prohibits adverse action or retaliation against an employee who elects to take Parental Leave. Supervisors are prohibited from interfering with an employee's ability to take Parental Leave. Employees who are concerned about retaliation or interference are encouraged to contact Human Resources.

## Definitions

- **Stillbirth:** The death or loss of a Child before or during delivery at or after 20 weeks of pregnancy or infant death within the first 12 weeks of delivery.
- **Miscarriage:** Loss of a pregnancy before the 20th week.
- **Foster Placement:** The placement of a Child by a state agency with an individual who is not the Child's parent or legal guardian and who seeks the opportunity to adopt the Child.
- **Legal Guardianship Placement:** A court-ordered relationship in which a person is assigned the responsibility and authority to provide physical care and supervision for a Child.
- **Placement of a child:** Includes Foster Placement and Legal Guardianship.
- **Child:** Person under the age of 18.
- **Eligible Event:** Date of covered reason including birth, adoption, placement of a child (foster care or legal guardianship), stillbirth or miscarriage.
- **Regular Employee:** An employee working in a regular position is a regular employee.
- **Regular Position:** A position expected to work consistently at least three fourths time of a full-time position for ninety days or more and is subject to the Arizona Board of Regents terms and conditions for Academic Professionals, Administrators, Administrative Faculty, Classified Staff, University Staff, Faculty, or Service Professionals.